



United States Senator
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REPORTS TO ALABAMA



**THE WYE AGREEMENT: WHY THE RELEASE OF CONVICTED SPY
JONATHAN POLLARD WOULD BE INAPPROPRIATE**

There has been a great deal of recent discussion in the media and public policy circles regarding Prime Minister Netanyahu's appeal for clemency for convicted spy Jonathan Pollard in the waning minutes of the Wye Plantation summit. We have been told that the negotiations nearly collapsed over an apparent misunderstanding between President Clinton and the Israeli leader. Prime Minister Netanyahu reportedly thought that President Clinton had made assurances that he would grant Pollard clemency should Israel and the Palestinians reach an agreement. It appears that when Mr. Netanyahu sought to confirm the President's position on Pollard's clemency he learned that what the President says is, at times, not necessarily what he means. President Clinton has proven, particularly over the past few months, to be a master of creative interpretation of the express and implied meanings of words, phrases, and gestures. Therefore, it should come as no surprise that the President, for whatever reason, may have allowed Mr. Netanyahu to believe that a grant of clemency was possible.

Last month, when reports began surfacing on the Pollard clemency issue and the role it was playing in the peace talks underway in Maryland, I wrote the President expressing my strong opposition to any link between the clemency matter and negotiations between Israel and the Palestinians. I told the President that the Pollard matter was separate and distinct from the ongoing discussions at Wye and should remain so. Also, as Chairman of the Senate Select Committee on Intelligence, I joined with Senate Majority Leader Trent Lott, Speaker of the House Newt Gingrich, and Rep. Porter Goss, Chairman of the House Permanent

Select Committee on Intelligence, in signing a letter to the President expressing our collective and unequivocal opposition to any pardon or grant of clemency for Jonathan Pollard. He betrayed our country on a grand scale (the extent of the damage is not yet fully known) and he deserves every day of his life sentence. We reminded the President that he has reviewed several requests from Pollard for clemency and denied every one. In our opinion, those were the correct decisions and nothing has changed that should alter his evaluation of Pollard's case. Nonetheless, the President has promised Mr. Netanyahu to "review" the case once again. While we await the results of that review, it is still unclear what happened at Wye and how Jonathan Pollard became a critical factor in the negotiations.

It is entirely conceivable that the Prime Minister prevailed upon the President to release Pollard so that he may assuage his more conservative and vociferous critics back home, thereby shoring up support for himself and the agreement. In response, the President may have given Mr. Netanyahu some indication that clemency for Pollard was within the realm of possibilities. It would be disturbing if the President's apparent capitulation was intended to serve merely as a carrot that would be snatched away when the deal was within reach and Mr. Netanyahu could not justify a unilateral withdrawal from the negotiations based solely on the clemency issue. It would be more distressing, however, if President Clinton actually considered clemency for Pollard believing that such a gesture was appropriate and would somehow assist in precipitating an agreement between Israel and the Palestinians. Whatever the

President's intentions, his actions are disturbing for two reasons.

First, the President allowed a completely separate and distinct issue to nearly become a deal-breaker. The Pollard clemency question concerned only one party to the negotiation, Israel. Whether Jonathan Pollard walks free or remains in prison for the remainder of his life was of no import to the discussions between Israel and the Palestinians. I do not understand why the President would allow a dispute between a party to the negotiation and the mediator to become pivotal to the negotiation, but it appears that President Clinton did exactly that. And, according to news reports, only after Director of Central Intelligence George Tenet and others stepped in to object to the possible release of Pollard as a bargaining chip did President Clinton begin to reconsider.

Second, the intelligence and law enforcement communities are united in their belief that Jonathan Pollard remains a threat to our nation's security. He has attempted, despite his incarceration, to pass classified information from his prison cell in North Carolina and there is every reason to believe that he would share whatever knowledge he still possesses if he were released. That is significant because U. S. intelligence officials believe that information Pollard still possesses is of great value to our nation's security. Clearly, Jonathan Pollard poses a continued threat to our security. Even President Clinton, in a previous request to revisit Pollard's sentence, cited the "enormity of Pollard's offenses, his lack of remorse, the damage done to our national security, the need for general deterrence and the continuing threat to national security that he posed."

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